

vestment of the public free school fund," the second special order. was laid before the Senate, and read second time with committee amendments.

The amendments were adopted, and

The bill was ordered engrossed.

Senator Pope introduced the following concurrent resolution:

Resolved by the Senate and House of Representatives of Texas, That the use of the hall of the Capitol be tendered Mr. John O'Brien, sculptor, for the purpose of placing on exhibition the marble bust of General Sam Houston.

Adopted.

Senator Randolph moved to adjourn till ten o'clock Tuesday morning.

Senator Woods moved to amend by striking out "Tuesday" and inserting in lieu thereof "Monday."

Accepted, and

The motion as amended was adopted, and

The Senate adjourned till ten o'clock Monday morning.

FORTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 2, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Shannon,

The Senate adjourned till 10 o'clock to-morrow morning.

FORTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, March 3, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Traylor,

the reading of the journal of Saturday was disposed with.

BILLS AND RESOLUTIONS.

Senator Evans:

An act to amend article 3994, of title 80 of the Revised Civil Statutes, approved April 4, 1881."

Referred to Committee on Public Printing.

By Senator Kilgore:

An act to regulate railroads in the State of Texas and their charges for freight and passengers, and to prevent discrimination between any such railroads in the rates of charges for freight, passengers and baggage, and in the time and manner of transporting the same, and to prevent any discrimination and delay by any such railway companies

in respect to business of any kind with competing or connecting lines, and to provide a penalty therefor."

Referred to Committee on Internal Improvements.

By Senator Jerdone:

"An act to amend chapter 20, title 37 of the Revised Civil Statutes of the State of Texas, by adding thereto three additional articles to be known as articles 2041a, 2041b and 2041c."

Referred to Judiciary Committee No. 1.

On motion of Senator Getzendaner, Senator Farrar was excused for the week.

On motion of Senator Kleberg, Senator Knittel was excused for the day.

On motion of Senator Calhoun, Senator Houston of Wheeler was excused for the day.

On motion of Senator Bell,

Mr. Finley, Engrossing Clerk, was excused from Saturday till Wednesday.

Senator Kleberg moved to suspend the special orders and take up Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas."

Adopted.

The ayes and nays were called for.

Senator Woods raised the point of order that the decision had been announced and the call for the ayes and nays was out of order.

The point of order was sustained.

Senator Terrell moved to reconsider the vote just taken.

Adopted by the following vote:

YEAS—17.

Bell,	Getzendaner,	Shannon,
Calhoun,	Houston of Bexar,	Stinson,
Camp,	Jerdone,	Terrell,
Davis,	Jones,	Traylor,
Fowler,	Pfeuffer,	Mr. President.
Garrison,	Randolph,	

NAYS—10.

Evans,	Kilgore,	Perry,
Glasscock,	Kleberg,	Pope,
Hall,	Peacock,	Woods.
Harrison,		

The motion of Senator Kleberg to suspend the regular order was lost by the following vote:

YEAS—13.

Calhoun,	Jones,	Perry,
Camp,	Kilgore,	Pope,
Evans,	Kleberg,	Terrell,
Hall,	Peacock,	Woods.
Jerdone,		

NAYS—13.

Bell,	Glasscock,	Randolph,
Davis,	Harrison,	Shannon,
Fowler,	Houston of Bexar,	Stinson,
Garrison,	Pfeuffer,	Traylor.
Getzendaner,		

Senate bill No. 142, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87, of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools out-

side of incorporated cities and towns, assuming, or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25, general laws of the special session of the Eighteenth Legislature, 1884, and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b, 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory," was laid before the Senate as first special order.

Senator Stinson moved to commit the bill and committee amendments to a special committee of three.

Senator Fowler moved to amend by adding Senate bill No. 119 (the Glasscock educational bill).

Accepted.

Senator Getzendaner moved to substitute the motion by referring the two bills back to the Committee on Education.

The ayes and noes were called for, and resulted as follows:

YEAS—13.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Jerdone,	Shannon,
Davis,	Kleberg,	Traylor,
Getzendaner,	Peacock,	Woods.
Hall,		

NAYS—13.

Camp,	Harrison,	Pope,
Evans,	Jones,	Randolph,
Fowler,	Kilgore,	Stinson,
Garrison,	Perry,	Terrell.
Glasscock,		

The President voted aye, and declared the two bills recommitted to the Committee on Education.

Senator Shannon raised the point of order that another vote was required to fully recommit the bill.

The point was not sustained.

Senator Stinson appealed from the decision of the President overruling the point of order raised by Senator Shannon.

Senator Shannon stated that he declined to appeal.

The vote was ordered on the appeal, and the president was not sustained by the following vote:

YEAS—11.

Bell,	Getzendaner,	Kleberg,
Camp,	Hall,	Pfeuffer,
Evans,	Harrison,	Woods.
Garrison,	Jerdone,	

NAYS—12.

Davis,	Jones,	Randolph,
Fowler,	Kilgore,	Shannon,
Glasscock,	Perry,	Stinson,
Houston of Bexar,	Pope,	Terrell.

ABSENT, NOT VOTING.

Calhoun,	Peacock,	Traylor.
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The substitute of Senator Getzendaner for the motion of Senator Stinson as amended by Senator Fowler, was put and lost by the following vote:

YEAS—7.

Bell,	Hall,	Kleberg,
Davis,	Jerdone,	Woods.
Getzendaner,		

NAYS—17.

Camp,	Houston of Bexar,	Randolph,
Evans,	Jones,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Perry,	Terrell,
Glasscock,	Pfeuffer,	Traylor.
Harrison,	Pope,	

ABSENT, NOT VOTING.

Calhoun,	Peacock.
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The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage by the House of the following bills:

House bill No. 139, "An act to amend section 29 of 'an act to redistrict the State into judicial districts, and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

House bill No. 248, "An act making an appropriation to pay the mileage and per diem of the presidential electors of the State of Texas for the year 1884."

A. D. SADLER,
Chief Clerk House of Representatives.

House bill No. 139 was referred to the Committee on Judicial Districts.

House bill No. 248 was referred to Committee on Finance.

Senator Randolph moved to postpone the consideration of the bill indefinitely.

Senator Harrison moved to substitute by having the bill recommitted to a special committee of five Senators.

The substitute was lost.

The motion to postpone indefinitely was lost by the following vote:

YEAS—5.

Camp,	Perry,	Terrell.
Fowler,	Randolph,	

NAYS—19.

Bell,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Pope,
Evans,	Jerdone,	Shannon,
Garrison,	Jones,	Stinson,
Getzendaner,	Kilgore,	Traylor,
Glasscock,	Kleberg,	Woods.
Hall,		

ABSENT NOT VOTING.

Calhoun,	Peacock.
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Senator Davis moved the previous question on the committee amendments.

Previous question was seconded, and

Main question ordered.

The committee amendments were acted upon separately, and were all adopted.

Senator Bell moved to consider the portions of the bill which refer to county superintendents, to-wit, sections 12a, 12b and 12c.

Senator Stinson moved to substitute the motion by substituting Senate bill No. 119, "An act to create the office of county superintendent and to define their duties and powers, and to repeal all laws in conflict with this act."

Senator Davis moved the previous question on the substitute.

Previous question seconded, and
Main question ordered.

The substitute was lost by the following vote:

YEAS—9.

Camp,
Fowler,
Glasscock,

Kilgore,
Kleberg,
Peacock,

Perry,
Stinson,
Terrell.

NAYS—15.

Hall,
Davis,
Evans,
Harrison,
Getzendaner,

Hall,
Harrison,
Houston of Bexar,
Jerdone,
Jones,

Pfeuffer,
Pope,
Shannon,
Traylor,
Woods.

ABSENT, NOT VOTING.

Calhoun,

Randolph.

The motion of Senator Bell to consider sections
12a, 12b and 12c was lost.

Senator Davis moved to amend by striking out the
acting clause.

Lost (the President voting nay) by the following
vote:

YEAS—12.

Camp,
Davis,
Evans,
Fowler,

Kilgore,
Kleberg,
Peacock,
Perry,

Pope,
Stinson,
Terrell,
Woods.

NAYS—12.

Hall,
Harrison,
Getzendaner,
Glasscock,

Hall,
Harrison,
Houston of Bexar,
Jerdone,

Jones,
Pfeuffer,
Shannon,
Traylor.

ABSENT, NOT VOTING.

Calhoun,

Randolph.

Senator Terrell moved to postpone consideration
of the bill indefinitely.

Senator Davis moved as a substitute that the bill
be postponed till the thirty-first of March.

Senator Terrell moved a call of the Senate.

Call sustained.

Senator Calhoun was found absent without excuse.

Senator Jones moved that Senator Calhoun be ex-
cused for the week.

Adopted by the following vote:

YEAS—25.

Hall,
Camp,
Davis,
Evans,
Fowler,
Harrison,
Getzendaner,
Glasscock,

Harrison,
Houston of Bexar,
Jerdone,
Jones,
Kilgore,
Kleberg,
Peacock,
Perry,

Pfeuffer,
Pope,
Randolph,
Shannon,
Stinson,
Terrell,
Traylor,
Woods.

NAYS—none.

The Senate was declared full.

Senator Shannon raised the point of order that one
motion to kill the bill having been voted down to-
day, the motion and the substitute were out of
order.

The point of order was sustained.

Senator Davis moved the previous question on
the bill.

The previous question was not seconded.

Senator Getzendaner offered the following amend-
ment:

Amend by striking out all that part of bill authorizing
female suffrage.

Lost by the following vote:

YEAS—10.

Bell,
Garrison,
Getzendaner,
Hall,

Harrison,
Jerdone,
Jones,

Pfeuffer,
Shannon,
Woods.

[NAYS—15.

Camp,
Davis,
Evans,
Fowler,
Glasscock,

Houston of Bexar,
Kilgore,
Kleberg,
Peacock,
Perry,

Pope,
Randolph,
Stinson,
Terrell,
Traylor,

The following message was received from the
House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage
of substitute House bill No. 109. "An act to require railroad
companies to place and keep that portion of their road-bed
and right of way over and across which public county roads
may run, in proper condition for the use of the traveling
public."

A. D. SADLER, Chief Clerk.

House bill No. 109 was referred to Committee on
Internal Improvements.

Senator Davis moved to lay the bill on the table
subject to call.

Withdrawn.

Senator Bell offered the following amendment:

Amend section 12a, page 26, line 10, by inserting, after the
word "held," "and the commissioners' courts of which have
not provided that there shall be no county superintendent
for such county."

Senator Terrell moved the previous question on
the amendment and the bill.

Previous question seconded and

Main question ordered.

The amendment was adopted by the following
vote:

YEAS—16.

Bell,
Evans,
Garrison,
Getzendaner,
Glasscock,
Hall,

Harrison,
Houston of Bexar,
Jerdone,
Jones,
Perry,

Pfeuffer,
Pope,
Shannon,
Traylor,
Woods.

NAYS—9.

Camp,
Davis,
Fowler,

Kilgore,
Kleberg,
Peacock,

Randolph,
Stinson,
Terrell.

The Senate refused to engross the bill by the fol-
lowing vote:

YEAS—11.

Bell,
Garrison,
Getzendaner,
Hall,

Harrison,
Houston of Bexar,
Jerdone,
Jones,

Pfeuffer,
Shannon,
Traylor.

NAYS—14.

Camp,
Davis,
Evans,
Fowler,
Glasscock,

Kilgore,
Kleberg,
Peacock,
Perry,
Pope,

Randolph,
Stinson,
Terrell,
Woods.

Senator Terrell moved to reconsider the vote just taken and moved to lay that motion on the table.

Lost by the following vote:

YEAS—12.

Camp, Davis, Fowler, Kilgore,	Kleberg, Peacock, Perry, Pope,	Randolph, Stinson, Terrell, Woods.
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NAYS—13.

Bell, Evans, Garrison, Getzendaner, Glasscock,	Hall, Harrison, Houston of Bexar, Jerdone,	Jones, Pfeuffer, Shannon, Traylor.
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The motion to reconsider was lost by the following vote:

YEAS—12.

Bell, Evans, Garrison, Getzendaner,	Hall, Harrison, Houston of Bexar, Jerdone,	Jones, Pfeuffer, Shannon, Traylor.
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NAYS—13.

Camp, Davis, Fowler, Glasscock, Kilgore,	Kleberg, Peacock, Perry, Pope,	Randolph, Stinson, Terrell, Woods.
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The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of the following bills by the House:

Senate bill No. 25, "An act to abolish the office of Fish Commissioner and dispose of all fish ponds and other property connected with or belonging to the Fish department," with House amendment.

Senate bill No. 173, "An act to repeal article 4112 of the Revised Civil Statutes."

Substitute House bill No. 22, "An act to levy an occupation tax on all dealers in pistols and bowie knives, dirks, daggers and other deadly weapons manufactured for the purpose of offense or defense, and capable of being concealed on or about the person."

A. D. SADLER,
Chief Clerk House of Representatives.

Substitute House bill No. 23, was referred to Finance Committee.

Senate bill No. 128, "An act to establish a State board of medical examiners, and to regulate the practice of medicine and surgery in the State of Texas; also, defining the duties of such board," was laid before the Senate as second special order, and Read the second time, with committee amendments.

(Senator Shannon, President pro tem., in the chair.)

The first committee amendment was adopted.

The other committee amendments, to-wit: the second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth, were lost.

Senator Stinson offered to amend by striking out the enacting clause.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am directed to report to the honorable Senate the passage by the House of the following bills:

Substitute House bill No. 181, "An act to make telegraph and telephone companies and persons or corporations owning or operating telegraph or telephone lines in the State of Texas common carriers."

House bill No. 195, "An act to amend article 1458 of the Revised Civil Statutes of the State of Texas."

Substitute House bill No. 214, "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor."

House bill No. 252, "An act to amend article 636, chapter 3, title 8 of section 2 of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas.'

Respectfully,

A. D. SADLER, Chief Clerk.

Substitute House bill No. 181 was referred to Committee on Internal Improvements.

House bill No. 195 was referred to Judiciary Committee No. 1.

Substitute House bill No. 214 was referred to Committee on Internal Improvements.

House bill No. 252 was referred to Judiciary Committee No. 2.

Senator Pope moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—12.

Bell, Camp, Garrison, Houston of Bexar,	Jerdone, Kleberg, Perry,	Pope, Traylor, Woods.
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NAYS—13.

Davis, Fowler, Getzendaner, Glasscock, Hall,	Harrison, Jones, Peacock, Pfeuffer,	Randolph, Shannon, Stinson, Terrell,
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ABSENT, NOT VOTING.

Evans, Kilgore,

Senator Shannon moved the previous question on the amendment of Senator Stinson.

Previous question seconded and main question ordered.

The amendment of Senator Stinson was adopted.

On motion of Senator Kleberg,

The Senate adjourned till 10 o'clock to-morrow.